

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAMAL MOHAMMED HAMADE,
JR.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

JAMAL MOHAMMED HAMADE, JR.,

Respondent-Appellant.

UNPUBLISHED
September 16, 2003

No. 233905
Oakland Circuit Court
Family Division
LC No. 00-639094-DL

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

Following a bench trial, respondent minor was adjudicated as being responsible for second degree home invasion, MCL 750.110a(3), and receiving and concealing stolen property over \$200, MCL 750.535(4)(a). Respondent was placed in the temporary custody of the court at the Oakland County Children's Village. He appeals as of right. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent and his brother entered a unit in a building with five adjoining condominiums by going through an attic access. They took a pager, \$40, several CDs, a child's camera and approximately three to five video games from the complainant's condominium. On being questioned by a police officer, they admitted their involvement and retrieved some of the items.

Respondent argues that the trial court erred in admitting his statements to the police before the corpus delicti of the crimes were established. Since he did not object at trial, we review for plain error only affecting respondent's substantial rights and will reverse only if respondent is actually innocent or the error seriously affected the fairness, integrity, or public reputation of judicial proceedings. *People v Schutte*, 240 Mich App 713, 720; 613 NW2d 370 (2000).

The [corpus delicti] rule bars the prosecution from using a defendant's confession in any criminal case unless it presents direct or circumstantial evidence independent of the defendant's confession that the specific injury or loss occurred and that some criminal agency was the source or cause of the injury. [*People v*

Ish, 252 Mich App 115, 116-117; 652 NW2d 257 (2002), citing *People v Konrad*, 449 Mich 263, 269-270; 536 NW2d 517 (1995).]

The corpus delicti of the crime was established through the complainant's testimony before any mention was made of respondent's admissions. The complainant testified that the items were taken from her home, that entry was through an attic access in the closet, and that she never gave anyone permission to enter her home or take the items. Therefore, the complainant's testimony established that there was a specific loss and that some criminal agency was the cause. Under *Ish, supra*, and *Konrad, supra*, this was all that was required to be introduced before respondent's statements could be admitted into evidence. Thus, there was no error.

Affirmed.

/s/ Michael R. Smolenski
/s/ William B. Murphy
/s/ Kurtis T. Wilder